



Reply To: 8330.1063(00)
USFWS Log Number: 1-7-00-F-106
NMFS Log Number: OSB99-0311

March 8, 2000

Robert E. Willis
Chief, Environmental Resources Branch
Portland District
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, Oregon 97208-2946

Re: Biological Opinion for Proposed Water Temperature Control Project at Cougar Dam
in the McKenzie River Subbasin, Lane County, Oregon

Dear Mr. Willis:

Enclosed is a biological opinion prepared by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) (jointly, the Services) pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(ESA) on the proposed Water Temperature Control Project at Cougar Dam (Cougar WTC Project) on the South Fork of the McKenzie River. The Services conclude in this opinion that the impact of the proposed project is not likely to jeopardize the continued existence of listed or proposed species, nor is it likely to adversely modify proposed or designated critical habitat. Species addressed in this opinion include Upper Willamette River chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), and the northern spotted owl (*Strix occidentalis caurina*), all of which are listed as threatened. Other listed or proposed species in the Willamette Basin either do not occur in the McKenzie River subbasin, or are not likely to be adversely affected by the proposed project. Critical habitat has been designated for Upper

Department of Interior
U. S. Fish and Wildlife Service
Pacific Region

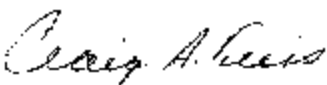
Department of Commerce
National Marine Fisheries Service
Northwest Region

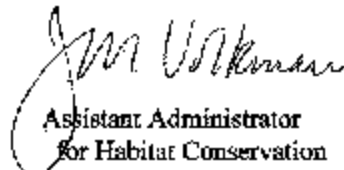
Willamette River chinook salmon (February 16, 2000; 65 FR 7764) and the northern spotted owl within the project area.

The opinion was prepared by the Services in response to an October 27, 1999, Biological Assessment (BA) and request for formal consultation, and a February 7, 2000, amendment to the BA. This opinion constitutes formal consultation on the Cougar WTC Project for Upper Willamette River chinook salmon, bull trout, and the northern spotted owl. The Services believe that the Cougar WTC Project will ultimately improve conditions for Upper Willamette River chinook salmon and bull trout through at least partial restoration of natural water temperatures downstream of Cougar Dam. Nonetheless, the Services also believe that the construction of the project may result in incidental take of these two species, and of the northern spotted owl. Accordingly, the Services have provided a set of nondiscretionary "reasonable and prudent measures" in the accompanying opinion which we believe are necessary to minimize the likelihood of incidental take.

We appreciate the cooperation of your staff in completing this consultation. Please contact Cat Brown at USFWS (503.231.6179) or Lance Smith at NMFS (503.231.2307) if you have any questions about this consultation.

Sincerely,


Acting State Supervisor
U.S. Fish and Wildlife Service
Oregon State Office


Assistant Administrator
for Habitat Conservation
National Marine Fisheries Service
Northwest Region

Enclosure

cc: Jeff Ziller, ODFW (Springfield)
Amy Unthank, Willamette NF, Supervisor's Office (Eugene)
Ray Rivera, Willamette NF, McKenzie Ranger District (McKenzie Bridge)
Tim Downey, Eugene Water and Electric Board (Eugene)

Department of Interior
U. S. Fish and Wildlife Service
Pacific Region

Department of Commerce
National Marine Fisheries Service
2 **Northwest Region**